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11 DONALD J. TRUMP

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STEPHANIE CLIFFORD a.k.a.  
15 STORMY DANIELS,

16 Plaintiff,

17 v.

18 DONALD J. TRUMP,

19 Defendant.

Case No. 2:18-cv-06893-SJO-FFM

**DEFENDANT DONALD J. TRUMP'S  
EVIDENTIARY OBJECTIONS TO  
DECLARATION OF MICHAEL J.  
AVENATTI IN SUPPORT OF  
OPPOSITION TO MOTION FOR  
ATTORNEYS' FEES AND  
MONETARY SANCTIONS**

Assigned for All Purposes to the  
Hon. S. James Otero

Action Filed: April 30, 2018

Defendant Donald J. Trump objects to the Declaration of Michael J. Avenatti  
[ECF No. 40-1] as follows:

	Citation	Objection	Ruling
1.	<b>Exhibit 3</b>	Relevance, hearsay. Fed. R. Evid. 401, 402, 403, 801, 802.	Sustained: _____ Overruled: _____
2.	<b>Paragraph 6:</b> “I have reviewed Mr. Trump’s Motion for Attorneys’ Fees, and am familiar with the proceedings in this action as counsel of record. Mr. Trump seeks \$341,559.50 in attorneys’ fees accounting for 509.25 hours of attorney time. Based on my experience litigating complex cases involving hundreds of millions of dollars in damages in this District and elsewhere, the proceedings in this action regarding Plaintiff’s defamation cause of action were not so complex as to justify the sheer volume of hours and money supposedly billed by Mr. Trump’s counsel. Based on my experience, the amount sought by Mr. Trump is not reasonable and is in fact excessive.”	Relevance, conclusory, argumentative, lay opinion, improper expert opinion, legal conclusion. Fed. R. Evid. 401, 402, 403, 701, 702, 703.	Sustained: _____ Overruled: _____

1	3.	<b>Paragraph 7:</b>	Relevance, conclusory,	Sustained: _____
2		“Based on my experience	argumentative, lay opinion,	Overruled: _____
3		and knowledge of litigation	improper expert opinion,	
4		in this District and	legal conclusion. Fed. R.	
5		elsewhere, the \$139,899 in	Evid. 401, 402, 403, 701,	
6		fees based on 230.5 hours	702, 703.	
7		of attorney time that Mr.		
8		Trump requests in		
9		connection with the motion		
10		to strike filed in this action		
11		is not reasonable and is in		
12		fact excessive. Plaintiff’s		
13		counsel prepared the		
14		opposition to Mr. Trump’s		
15		motion in far less time.		
16		Indeed, based on the notice		
17		provided to Plaintiff,		
18		Plaintiff had roughly one		
19		week to oppose this motion.		
20		Thus, hypothetically, had		
21		an attorney in my office		
22		billed 24 hours a day for the		
23		entire week, it still would		
24		have only amounted to 168		
25		hours of attorney time. Mr.		
26		Trump’s lawyers’ request is		
27		therefore grossly inflated		
28		and excessive.”		
	4.	<b>Paragraph 8:</b>	Relevance, conclusory,	Sustained: _____
		“Based on my experience	argumentative, lay opinion,	Overruled: _____
		and knowledge of litigation	improper expert opinion,	
		in this District and	legal conclusion. Fed. R.	
		elsewhere, the \$63,975 in	Evid. 401, 402, 403, 701,	
		fees based on 88.5 hours of	702, 703.	
		attorney time that Mr.		
		Trump requests in		
		connection with the motion		
		to for attorneys’ fees filed		
		in this action is already		

1		unreasonable and		
2		excessive. Yet, Mr. Trump		
3		claims he will incur even		
4		more fees and attorney time		
5		in connection with this		
6		motion. Plaintiff's counsel		
7		prepared the opposition to		
8		the motion for attorneys'		
9		fees in far less time."		
10	5.	<b>Paragraph 9:</b>	Relevance, conclusory,	Sustained: _____
11		"Based on my experience	argumentative, lay opinion,	Overruled: _____
12		and knowledge of litigation	improper expert opinion,	
13		in this District and	legal conclusion. Fed. R.	
14		elsewhere, the \$102,977.32	Evid. 401, 402, 403, 701,	
15		in fees for over 143 hours	702, 703.	
16		of attorney time that Mr.		
17		Trump requests in		
18		connection with the motion		
19		to transfer filed in this		
20		action is not reasonable and		
21		is excessive. Plaintiff's		
22		counsel prepared the		
23		opposition to Mr. Trump's		
24		motion in far less time."		
25	6.	<b>Paragraph 10:</b>	Relevance, conclusory,	Sustained: _____
26		"Based on my experience	argumentative, lay opinion,	Overruled: _____
27		and knowledge of litigation	improper expert opinion,	
28		in this District and	legal conclusion. Fed. R.	
		elsewhere, the \$34,707.97	Evid. 401, 402, 403, 701,	
		for 47 hours of attorney	702, 703.	
		time that Mr. Trump		
		requests in connection with		
		'initial strategy' in this		
		action is not reasonable and		
		is excessive."		

1	7.	<b>Paragraph 11:</b>	<u>Mr. Avenatti's Statement:</u>	Sustained: _____
2		“Attached hereto as Exhibit	Relevance, conclusory,	Overruled: _____
3		5 is a true and correct copy	argumentative. Fed. R. Evid.	
4		of the <i>2017 Real Rate</i>	401, 402, 403, 701.	
5		<i>Report Snapshot</i> , a CEB	<u>Exhibit 5:</u>	
6		publication which I	Foundation, authentication,	
7		understand some courts in	exhibit incomplete and	
8		this District rely on in	marked as a “SAMPLE”.	
9		determining reasonable	Fed R. Evid. 602, 901, 1002,	
10		hourly rates to assign to	1003.	
11		attorneys' fee awards. <u>See,</u>		
12		e.g., <u>Hicks v. Toys'R' Us-</u>		
13		<u>Delaware, Inc., No. CV13-</u>		
14		<u>1302-DSF JCGX, 2014 WL</u>		
15		<u>4670896, at *1 (C.D. Cal.</u>		
16		<u>Sept. 2, 2014). I obtained</u>		
17		<u>this document from the</u>		
18		<u>Internet at</u>		
19		<u><a href="https://www.wkelmsolutions.com/sites/default/files/2017_real_rate_report_snapshot_sample.pdf">https://www.wkelmsolutions.com/sites/default/files/2017_real_rate_report_snapshot_sample.pdf</a></u>		
20		<u>. This</u>		
21		<u>publication suggests that</u>		
22		<u>the rates requested by Mr.</u>		
23		<u>Trump's lawyers are</u>		
24		<u>excessive.”</u>		

22 Dated: November 12, 2018

HARDER LLP

23 By: /s/ Charles J. Harder

24 CHARLES J. HARDER

25 Attorneys for Defendant DONALD J. TRUMP